

REMARKS/ARGUMENTS

Upon entry of the present amendments, claims 45-57, 60-62, 65-69 and 83 will be pending in the above-referenced patent application. Claim 63 is canceled without prejudice. Claims 45, 62 and 65 are amended. Reconsideration of the application is respectfully requested.

The claims are rejected in various combinations under 35 U.S.C. § 112, 1st paragraph with respect to both the written description and the enablement requirements as well being rejected over a non-statutory, obviousness-type, double patenting rejection. Each of these rejections is addressed below in the order set forth by the Examiner.

Support for the amendments to the claims

Claim 45 was amended to set forth that Ar² is a substituted or unsubstituted pyridyl. Support for this subject matter is found *inter alia* in previous claim 65. Claim 45 was also amended to set forth a first new Markush group providing the Ar¹ substituents of previous claim 62 and a second new Markush group providing the various Ar² substituents of previous claim 68. An additional Ar² substituent, trifluoromethyl, was added to the Ar² substituent Markush group. The trifluoromethyl subject matter finds support *inter alia* in compound 29 of Table 7.

Claim 62 was accordingly amended to delete various members of the previously set forth Ar² Markush group and finds support accordingly.

Claim 65 was amended to set forth that the Ar² member is substituted pyridyl. Support for this subject matter is found in the previous version of the claim.

In view of the above, the Applicants believe the amendments to the claims add no new matter and respectfully request their entry.

I. REJECTION UNDER 35 U.S.C. § 112, 1ST PARAGRAPH, WRITTEN DESCRIPTION

Claims 45-57 and 60-63 have been rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Previous claim 65, which depends from the base claim, was not so rejected and conforms with subject matter which the Examiner acknowledged to be in compliance with the

written description requirement of 35 U.S.C. §112, first paragraph. Without acquiescing on the merits and in order to expedite examination of the instant application, the Applicants have amended the base claim to set forth the limitations of claim 65. The Applicants have further amended the base claim to set forth with greater particularity the substituents allowed for the Ar¹ and Ar² members.

Accordingly, the Applicants respectfully request that the above grounds for rejection be reconsidered and withdrawn.

II. REJECTION UNDER 35 U.S.C. §112, 1ST PARAGRAPH, ENABLEMENT

Claims 45-57 and 60-63 have been rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Previous claim 65, which depends from the base claim, was not so rejected and conforms with subject matter which the Examiner acknowledged to be in compliance with the enablement requirement of 35 U.S.C. §112, first paragraph. Without acquiescing on the merits and in order to expedite examination of the instant application, the Applicants have amended the base claim to set forth the limitations of claim 65. The Applicants have further amended the claims to set forth with greater particularity the substituents allowed for the Ar¹ and Ar² members.

Accordingly, the Applicants respectfully request that the above grounds for rejection be reconsidered and withdrawn.

III. OBVIOUSNESS-TYPE DOUBLE PATENTING


The Applicants respectfully request that this grounds for rejection be held in abeyance until such time as the claims are otherwise deemed to be in condition for an allowance. At that time, the Applicants will provide a suitable terminal disclaimer with respect to U.S. Patent No. 6,495,550 (The patent set forth in the action, U.S. Patent No. 6,459,550) had two digits transposed).

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,



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